

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
JUL 24 2013

*[Signature]*  
CLERK

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THOMAS R. KELLEY,

CIV. 12-4150

Plaintiff,

vs.

ORDER DETERMINING  
IFP STATUS ON APPEAL

US ATTORNEY'S OFFICE (Law Firm)  
OF SOUTH DAKOTA; JOHN DOE, the  
local/state legal individual capacity entity  
whose interest was represented in the case  
against Thomas Kelley in Case No.  
4:08-CR-40173-LLP-1 with them under  
the name UNITED STATES OF AMERICA;  
OFFICE OF THE US ATTORNEY for the  
State of South Dakota and the individual  
occupant executing for that office as US  
Attorney; UNITED STATES COURTS  
entity doing business as, by, through  
and generating revenue with individual  
officers of the United States District Court  
(Agency); The unknown individual officer  
responsible for convening the grand jury  
as if it is an administrative act here  
and the individual and office responsible  
for supervision, direction, and control  
of such agent/agency; Other unknown but  
ostensible actors and those failing to  
act thereby aiding the progression and  
appearance of legality of the proceedings  
against Claimant/Relator and his liberty,  
rights, property, and rights.

Defendants.

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The Eighth Circuit has issued a limited remand ordering this court to (1) determine plaintiff's  
in forma pauperis status; (2) assess the appellate filing and docketing fees; and (3) collect such fees  
pursuant to Henderson v. Norris, 129 F.3d 481 (8th Cir. 1997) and the provisions of the Prison

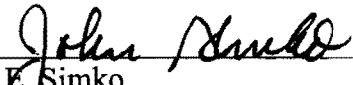
Litigation Reform Act, 28 U.S.C. § 1915.

Upon the record it is hereby ORDERED that:

1. Plaintiff is GRANTED in forma pauperis status on appeal.
2. The institution having custody of the plaintiff is hereby directed that whenever the amount in plaintiff's trust account exceeds \$10.00, monthly payments that equal 20% of the funds credited the preceding month to the plaintiff's trust account shall be forwarded to the U.S. District Court Clerk's Office pursuant to 28 U.S.C. § 1915(b)(2), until the appellate filing fee is paid in full.

Dated this 24 day of July, 2013.

BY THE COURT: ✓

  
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John E. Simko  
United States Magistrate Judge